

STATE OF NEW YORK

5696

2019-2020 Regular Sessions

IN SENATE

May 13, 2019

Introduced by Sens. METZGER, MAY, GALLIVAN, BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to the public service commission reviewing broadband and fiber optic services within the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that large portions of the state do not have access to broad-
3 band services, particularly fiber optic service. This has made the tele-
4 communications marketplace less competitive, and has been a partial
5 cause of deteriorated service for customers and users of regulated tele-
6 phonic and telecommunications services. Without access to broadband
7 services, schools, businesses, families, and healthcare facilities are
8 not able to access vital technologies. This in turn has had substantial
9 negative economic and social impacts, particularly in rural and other
10 underserved communities.

11 § 2. The public service law is amended by adding a new section 224-c
12 to read as follows:

13 § 224-c. Broadband and fiber optic services. 1. The commission shall
14 determine, within six months of the effective date of this section, the
15 status of broadband and fiber optic services in New York state. The
16 commission shall identify communities without access to broadband and
17 fiber optic services, communities in which insufficient telecommuni-
18 cations service has caused social or economic impacts, communities where
19 local franchises have not been complied with, and communities in which
20 the commission believes such broadband and/or fiber optic service is
21 necessary for the successful implementation of commission policies on
22 competition, affordable, and adequate service.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD11628-01-9

1 2. The commission shall, within six months of the completion of the
2 determination of broadband and fiber optic services in New York state
3 pursuant to subdivision one of this section, require and set completion
4 dates for the construction or installation of broadband and fiber optic
5 services by an internet service provider in communities in which broad-
6 band and fiber optic services are determined to be absent, insufficient,
7 or inadequate, so as to ensure the availability of broadband and fiber
8 optic services to the greatest number of New York state residents possi-
9 ble.

10 § 3. The article heading of article 11 of the public service law, as
11 added by chapter 83 of the laws of 1995, is amended to read as follows:

12 PROVISIONS RELATING TO CABLE TELEVISION COMPANIES

13 **AND INTERNET SERVICE PROVIDERS**

14 § 4. Section 212 of the public service law is amended by adding a new
15 subdivision 15 to read as follows:

16 15. "Internet service provider" shall mean any person, business or
17 organization qualified to do business in this state that provides indi-
18 viduals, corporations, or other entities with the ability to connect to
19 the internet.

20 § 5. This act shall take effect on the sixtieth day after it shall
21 have become a law.